

#### REMARKS

The Examiner has rejected claims 7-11, 17 and 18 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,784,918 to Ritchie. Applicants acknowledge that the Examiner has found claims 12 and 13 allowable over the prior art of record.

The Ritchie patent discloses a system for obtaining state information from consumer electronic devices, in which a camera 110 captures an image of a consumer electronics device 102 while a computer 112 to which the camera 110 is connected determines an operating state of the consumer electronics device 102 and issues commands to be transmitted by IR transmitter 140 to the consumer electronics device 102 for controlling the same.

The subject invention, as claimed in claim 7, includes "a receiver for acquiring identification data from a particular device at which the remote control unit is pointed", "a processor for processing the acquired identification data to determine command protocols associated with the particular device", and "a formatter for formatting control commands for the particular device according to the command protocols associated with the particular device", wherein "the receiver acquires identification data from the particular device at which the remote control unit is pointed by capturing at least one image in the direction in which the remote control unit is pointed, the at least one captured image including the particular device".

According to MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the

claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has indicated that the claim 7 limitation "a processor for processing the acquired identification data to determine command protocols associated with the particular device" is disclosed in Ritchie at col. 3, lines 19-26, lines 63-67, and col. 4, lines 1-14.

Applicants submit that the Examiner is mistaken. In particular, while the computer 112 processes the image of the consumer electronics device 102 captured by the camera 110, Ritchie clearly states that this processing is to determine the operating state of the consumer electronics device 102. Referring to col. 3, lines 3-6, Ritchie states "The present invention allows the personal computer to determine the current state of the consumer electronic device by using image processing techniques." Further, at col. 4, lines 27-34, Ritchie states "The present system allows a personal computer to determine a present state of consumer electronic devices, including VCRs, and accurately control the device without any user intervention. By enabling the personal computer to determine the state of existing consumer electronic devices, the personal computer can provide a wide variety of device

control applications using the millions of existing devices currently installed in people's homes."

While Ritchie does use captured images of consumer electronics devices, this is done merely to determine the operating state of the device. Applicants submit that there is no disclosure or suggestion that the captured image is used by the processor "to determine command protocols associated with the particular device".

While Ritchie acknowledges that there are numerous command protocols for controlling different consumer electronics devices, and that the computer may store these different command protocols, there is no disclosure as to how the computer determines which command protocols are appropriate for a particular consumer electronics device. Absent any disclosure to the contrary, one can only assume that the user pre-selects the appropriate command protocols in setting up the computer.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by Ritchie, and as such, is patentable thereover.

Applicants believe that this application, containing claims 7-13, 17 and 18, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611

